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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PYLE AUDIO INC.,	:	
Plaintiff,	:	Civil Action No. 15-cv-00452-SJ-MDG
v.	:	
FLUKE CORPORATION,	:	
Defendant.	:	

FLUKE CORPORATION,	:	
Counterclaimant,	:	
v.	:	
PYLE AUDIO INC.,	:	
Counterdefendant.	:	
-----	X	

STIPULATED ORDER OF DISMISSAL

Defendant and Counterclaimant Fluke Corporation ("Fluke") and Plaintiff and Counterdefendant Pyle Audio Inc. ("Pyle") wishing to avoid the expense, inconvenience and

disruption of litigation and without Pyle admitting any liability for intentional wrongdoing, agree to a settlement of their dispute and hereby stipulate to the entry of this Stipulated Order of Dismissal (“Order”).

1. The Court has jurisdiction over the Parties and the subject matter at issue in this action.

2. Fluke is a world leader in the manufacture, distribution and service of electronic test tools and software. Among Fluke’s market-leading products are its digital multimeters (“DMMs”).

3. For over 45 years, Fluke has manufactured and distributed DMMs in the United States in a distinctive trade dress of a dark-colored body or face with a contrasting yellow border (the “Fluke trade dress”). Fluke also uses the Fluke trade dress on other test and measurement instruments including but not limited to laser distance meters, calibrators, and battery analyzers.

4. The Fluke trade dress is widely recognized by the public as an indicator of the source of Fluke’s products. Fluke has built and owns an enormous amount of valuable goodwill symbolized by the Fluke trade dress. In recognition of Fluke’s rights to the Fluke trade dress, the United States Patent & Trademark Office has issued several trademark registrations for that trade dress including Registration Nos. 2,796,480, 4,654,868, 4,654,867, 4,741,667 and 4,741,666.

5. In May 2008, Fluke also obtained a General Exclusion Order (Inv. No. 337-TA-588) from the United States International Trade Commission, which prohibits the unlicensed importation of DMMs and products with multimeter functionality that infringe Fluke’s trade dress. “The protected trade dress is [described] as follows: digital multimeters and products with multimeter functionality that have a contrasting color combination of a dark-colored body or face and a contrasting yellow border, frame, molding, overlay, holster or perimeter.”

6. The Fluke trade dress is valid, enforceable, widely-recognized and a valuable asset of Fluke.

7. This case, including Pyle's claims against Fluke and Fluke's claims against Pyle, are hereby dismissed with prejudice and without costs to any of the parties, except the Court shall retain jurisdiction to enforce this Order and the settlement agreement between the parties.

IT IS SO STIPULATED.

DATED: January 11, 2016

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By: 

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15/ MAX MOSKOWITZ

DATED: January 10, 2016

(FED)

By: BY PERMISSION IN EMAIL

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DATED

FEB 10, 2016

Attorneys for Plaintiff and
Counterdefendant Pyle Audio Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this ____ day of _____, 2016

Judge Sterling Johnson, Jr.
UNITED STATES DISTRICT COURT
JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2016, I served this Stipulated Order of Dismissal by electronic mail upon counsel of record: ^{FEB}

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DATED: January 11, 2016

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By: /s/ Jeffrey D. Vanacore

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